

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 26479 of 2003

Between:

Chavali Rama Subrahmanyam S/o.Venkatachalam, Hindu, r/o.Flat No.205,
Saivihar Apartments, H.No.1-5-995, New Maruthi Nagar Hyderabad-500 035 A.P.

... PETITIONER

AND

1 The Commissioner, Endowments Department, Andhra Pradesh, Tilak

Road, Hyderabad-500 001 AP.

2 The Deputy Commissioner, Endowments Department, Guntur, Guntur

District, A.P.

3 Sri A. Srinivasa Reddy, Person-in-Management, Group Temples, Chilumuru,

Kollur Mandal, Guntur District, A.P.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction particularly one in the nature Writ of Mandamus declaring the action of the 1st respondent-Commissioner, Endowments Department, A.P., Hyderabad in issuing Proceedings No.G2/6417/2003-1[28], dated 8.4.2002 [at Item Nos.1,2 and 3] appointing the 3rd respondent as Person in Management of [1] Sri Ramalingeswara Swamy temple, [2] Sri Venugopala Swamy Temple,[3] Sri Specific Sri Ramalingeswara & Venugopala Swamy Temples, Chilumuru, Kolluru Mandal, Guntur District, by re-grouping the institutions, as bad in law, arbitrary, highhanded and against the financial interests of the said institutions and against the provisions of Section 29[5][d] and Section 50 of the A.P. Endowments Act 30 of 1987 and consequently set aside the impugned proceedings.

Counsel for the Petitioner: MR.G.V.L.N.MURTHY

Counsel for the Respondent Nos. 1 & 2: GP FOR ENDOWMENTS

The Court made the following order:

ORDER:-

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

The petitioner who claims to be the member of the donor's family of the Religious Institutions viz., Sri Ramalingeswara Swamy Temple, Sri Venugopala Swamy Temple, Chilumur and specific Endowment Trust of the said temples, filed this writ petition seeking writ of Mandamus assailing the order dated 8-4-2003 where under, respondents 1 and 2 herein appointed third respondent as person in-charge.

The case of the petitioner is that having regard to the nature of the Institution and its income, question of appointing third respondent as person in-charge does not arise and it will be putting the burden on the Institution, which is wholly unjustified and that there are no reasons warranting the appointment of third respondent as person in-charge. Further, it is submitted, in this connection, that the petitioner had already submitted a representation to the first respondent on 16—11—2002 and another to the second respondent on 28-10-2002 pointing out the difficulties.

Having regard to the above, suffice it to direct the first respondent to dispose of the representation filed by the petitioner.

Accordingly, this writ petition is disposed of directing first respondent to dispose of the representation filed by the petitioner on 16—11—2002 and pass orders on merits, in accordance with law, after giving notice within a period of two months from the date of receipt of a copy of this order. No costs.

5—08—2004.

Stv/-

Note: Issue C.C. in three days.

(B.O.)

C.M.

TO

1 The Commissioner, Endowments Department, Andhra Pradesh, Tilak
Road, Hyderabad-500 001 AP.

2 The Deputy Commissioner, Endowments Department, Guntur, Guntur
District, A.P.

3 Two CCs to GP For Endowments, High Court Buildings, Hyderabad.

4 Two CD copies.